

1 AN ACT concerning medical examinations.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing  
5 Section 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the  
9 Department of Public Health shall promulgate, and except as  
10 hereinafter provided, all children in Illinois shall have a  
11 health examination as follows: within one year prior to  
12 entering kindergarten or the first grade of any public,  
13 private, or parochial elementary school; upon entering the  
14 fifth and ninth grades of any public, private, or parochial  
15 school; prior to entrance into any public, private, or  
16 parochial nursery school; and, irrespective of grade,  
17 immediately prior to or upon entrance into any public,  
18 private, or parochial school or nursery school, each child  
19 shall present proof of having been examined in accordance  
20 with this Section and the rules and regulations promulgated  
21 hereunder.

22 A tuberculosis skin test screening shall be included as a  
23 required part of each health examination included under this  
24 Section if the child resides in an area designated by the  
25 Department of Public Health as having a high incidence of  
26 tuberculosis. Additional health examinations of pupils,  
27 including dental and vision examinations, may be required  
28 when deemed necessary by school authorities. Parents are  
29 encouraged to have their children undergo dental examinations  
30 at the same points in time required for health examinations.

31 (2) The Department of Public Health shall promulgate

1 rules and regulations specifying the examinations and  
2 procedures that constitute a health examination and may  
3 recommend by rule that certain additional examinations be  
4 performed. The rules and regulations of the Department of  
5 Public Health shall specify that a tuberculosis skin test  
6 screening shall be included as a required part of each health  
7 examination included under this Section if the child resides  
8 in an area designated by the Department of Public Health as  
9 having a high incidence of tuberculosis.

10 Physicians licensed to practice medicine in all of its  
11 branches, advanced practice nurses who have a written  
12 collaborative agreement with a collaborating physician which  
13 authorizes them to perform health examinations, or physician  
14 assistants who have been delegated the performance of health  
15 examinations by their supervising physician shall be  
16 responsible for the performance of the health examinations,  
17 other than dental examinations and vision and hearing  
18 screening, and shall sign all report forms required by  
19 subsection (4) of this Section that pertain to those portions  
20 of the health examination for which the physician is  
21 responsible. If a registered nurse performs any part of a  
22 health examination, then a physician licensed to practice  
23 medicine in all of its branches must review and sign all  
24 required report forms. Licensed dentists shall perform all  
25 dental examinations and shall sign all report forms required  
26 by subsection (4) of this Section that pertain to the dental  
27 examinations. Physicians licensed to practice medicine in  
28 all its branches, or licensed optometrists, shall perform all  
29 vision exams required by school authorities and shall sign  
30 all report forms required by subsection (4) of this Section  
31 that pertain to the vision exam. Vision and hearing  
32 screening tests, which shall not be considered examinations  
33 as that term is used in this Section, shall be conducted in  
34 accordance with rules and regulations of the Department of

1 Public Health, and by individuals whom the Department of  
2 Public Health has certified.

3 (3) Every child shall, at or about the same time as he  
4 or she receives a health examination required by subsection  
5 (1) of this Section, present to the local school proof of  
6 having received such immunizations against preventable  
7 communicable diseases as the Department of Public Health  
8 shall require by rules and regulations promulgated pursuant  
9 to this Section and the Communicable Disease Prevention Act.

10 (4) The individuals conducting the health examination  
11 shall record the fact of having conducted the examination,  
12 and such additional information as required, on uniform forms  
13 which the Department of Public Health and the State Board of  
14 Education shall prescribe for statewide use. The examiner  
15 shall summarize on the report form any condition that he or  
16 she suspects indicates a need for special services. The  
17 individuals confirming the administration of required  
18 immunizations shall record as indicated on the form that the  
19 immunizations were administered.

20 (5) If a child does not submit proof of having had  
21 either the health examination or the immunization as  
22 required, then the child shall be examined or receive the  
23 immunization, as the case may be, and present proof by  
24 October 15 of the current school year, or by an earlier date  
25 of the current school year established by a school district.  
26 To establish a date before October 15 of the current school  
27 year for the health examination or immunization as required,  
28 a school district must give notice of the requirements of  
29 this Section 60 days prior to the earlier established date.  
30 If for medical reasons one or more of the required  
31 immunizations must be given after October 15 of the current  
32 school year, or after an earlier established date of the  
33 current school year, then the child shall present, by October  
34 15, or by the earlier established date, a schedule for the

1 administration of the immunizations and a statement of the  
2 medical reasons causing the delay, both the schedule and the  
3 statement being issued by the physician, advanced practice  
4 nurse, physician assistant, registered nurse, or local health  
5 department that will be responsible for administration of the  
6 remaining required immunizations. If a child does not comply  
7 by October 15, or by the earlier established date of the  
8 current school year, with the requirements of this  
9 subsection, then the local school authority shall exclude  
10 that child from school until such time as the child presents  
11 proof of having had the health examination as required and  
12 presents proof of having received those required  
13 immunizations which are medically possible to receive  
14 immediately. During a child's exclusion from school for  
15 noncompliance with this subsection, the child's parents or  
16 legal guardian shall be considered in violation of Section  
17 26-1 and subject to any penalty imposed by Section 26-10.

18 (6) Every school shall report to the State Board of  
19 Education by November 15, in the manner which that agency  
20 shall require, the number of children who have received the  
21 necessary immunizations and the health examination as  
22 required, indicating, of those who have not received the  
23 immunizations and examination as required, the number of  
24 children who are exempt from health examination and  
25 immunization requirements on religious or medical grounds as  
26 provided in subsection (8). This reported information shall  
27 be provided to the Department of Public Health by the State  
28 Board of Education.

29 (7) Upon determining that the number of pupils who are  
30 required to be in compliance with subsection (5) of this  
31 Section is below 90% of the number of pupils enrolled in the  
32 school district, 10% of each State aid payment made pursuant  
33 to Section 18-8 to the school district for such year shall be  
34 withheld by the regional superintendent until the number of

1 students in compliance with subsection (5) is the applicable  
2 specified percentage or higher.

3 (8) Parents or legal guardians who object to health  
4 examinations or any part thereof, or to immunizations, on  
5 religious grounds shall not be required to submit their  
6 children or wards to the examinations or immunizations to  
7 which they so object if such parents or legal guardians  
8 present to the appropriate local school authority a signed  
9 statement of objection, detailing the grounds for the  
10 objection. If the physical condition of the child is such  
11 that any one or more of the immunizing agents should not be  
12 administered, the examining physician, advanced practice  
13 nurse, or physician assistant responsible for the performance  
14 of the health examination shall endorse that fact upon the  
15 health examination form. Exempting a child from the health  
16 examination does not exempt the child from participation in  
17 the program of physical education training provided in  
18 Sections 27-5 through 27-7 of this Code.

19 (9) For the purposes of this Section, "nursery schools"  
20 means those nursery schools operated by elementary school  
21 systems or secondary level school units or institutions of  
22 higher learning.

23 (Source: P.A. 91-357, eff. 7-29-99.)

24 Section 10. The Illinois Vehicle Code is amended by  
25 changing Sections 6-106.1, 6-901, and 18b-105 as follows:

26 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

27 Sec. 6-106.1. School bus driver permit.

28 (a) The Secretary of State shall issue a school bus  
29 driver permit to those applicants who have met all the  
30 requirements of the application and screening process under  
31 this Section to insure the welfare and safety of children who  
32 are transported on school buses throughout the State of

1 Illinois. Applicants shall obtain the proper application  
2 required by the Secretary of State from their prospective or  
3 current employer and submit the completed application to the  
4 prospective or current employer along with the necessary  
5 fingerprint submission as required by the Department of State  
6 Police to conduct fingerprint based criminal background  
7 checks on current and future information available in the  
8 state system and current information available through the  
9 Federal Bureau of Investigation's system. Applicants who  
10 have completed the fingerprinting requirements shall not be  
11 subjected to the fingerprinting process when applying for  
12 subsequent permits or submitting proof of successful  
13 completion of the annual refresher course. Individuals who  
14 on the effective date of this Act possess a valid school bus  
15 driver permit that has been previously issued by the  
16 appropriate Regional School Superintendent are not subject to  
17 the fingerprinting provisions of this Section as long as the  
18 permit remains valid and does not lapse. The applicant shall  
19 be required to pay all related application and fingerprinting  
20 fees as established by rule including, but not limited to,  
21 the amounts established by the Department of State Police and  
22 the Federal Bureau of Investigation to process fingerprint  
23 based criminal background investigations. All fees paid for  
24 fingerprint processing services under this Section shall be  
25 deposited into the State Police Services Fund for the cost  
26 incurred in processing the fingerprint based criminal  
27 background investigations. All other fees paid under this  
28 Section shall be deposited into the Road Fund for the purpose  
29 of defraying the costs of the Secretary of State in  
30 administering this Section. All applicants must:

- 31 1. be 21 years of age or older;
- 32 2. possess a valid and properly classified driver's  
33 license issued by the Secretary of State;
- 34 3. possess a valid driver's license, which has not

1        been revoked, suspended, or canceled for 3 years  
2        immediately prior to the date of application, or have not  
3        had his or her commercial motor vehicle driving  
4        privileges disqualified within the 3 years immediately  
5        prior to the date of application;

6            4. successfully pass a written test, administered  
7        by the Secretary of State, on school bus operation,  
8        school bus safety, and special traffic laws relating to  
9        school buses and submit to a review of the applicant's  
10       driving habits by the Secretary of State at the time the  
11       written test is given;

12           5. demonstrate ability to exercise reasonable care  
13       in the operation of school buses in accordance with rules  
14       promulgated by the Secretary of State;

15           6. demonstrate physical fitness to operate school  
16       buses by submitting the results of a medical examination,  
17       including tests for drug use for each applicant not  
18       subject to such testing pursuant to federal law,  
19       conducted by a licensed physician, an advanced practice  
20       nurse who has a written collaborative agreement with a  
21       collaborating physician which authorizes him or her to  
22       perform medical examinations, or a physician assistant  
23       who has been delegated the performance of medical  
24       examinations by his or her supervising physician within  
25       90 days of the date of application according to standards  
26       promulgated by the Secretary of State;

27           7. affirm under penalties of perjury that he or she  
28       has not made a false statement or knowingly concealed a  
29       material fact in any application for permit;

30           8. have completed an initial classroom course,  
31       including first aid procedures, in school bus driver  
32       safety as promulgated by the Secretary of State; and  
33       after satisfactory completion of said initial course an  
34       annual refresher course; such courses and the agency or

1 organization conducting such courses shall be approved by  
2 the Secretary of State; failure to complete the annual  
3 refresher course, shall result in cancellation of the  
4 permit until such course is completed;

5 9. not have been convicted of 2 or more serious  
6 traffic offenses, as defined by rule, within one year  
7 prior to the date of application that may endanger the  
8 life or safety of any of the driver's passengers within  
9 the duration of the permit period;

10 10. not have been convicted of reckless driving,  
11 driving while intoxicated, or reckless homicide resulting  
12 from the operation of a motor vehicle within 3 years of  
13 the date of application;

14 11. not have been convicted of committing or  
15 attempting to commit any one or more of the following  
16 offenses: (i) those offenses defined in Sections 9-1,  
17 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,  
18 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,  
19 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
20 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,  
21 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,  
22 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
23 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,  
24 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,  
25 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and  
26 subsection (b), clause (1), of Section 12-4 of the  
27 Criminal Code of 1961; (ii) those offenses defined in the  
28 Cannabis Control Act except those offenses defined in  
29 subsections (a) and (b) of Section 4, and subsection (a)  
30 of Section 5 of the Cannabis Control Act; (iii) those  
31 offenses defined in the Illinois Controlled Substances  
32 Act; (iv) any offense committed or attempted in any other  
33 state or against the laws of the United States, which if  
34 committed or attempted in this State would be punishable

1 as one or more of the foregoing offenses; (v) the  
2 offenses defined in Section 4.1 and 5.1 of the Wrongs to  
3 Children Act and (vi) those offenses defined in Section  
4 6-16 of the Liquor Control Act of 1934;

5 12. not have been repeatedly involved as a driver  
6 in motor vehicle collisions or been repeatedly convicted  
7 of offenses against laws and ordinances regulating the  
8 movement of traffic, to a degree which indicates lack of  
9 ability to exercise ordinary and reasonable care in the  
10 safe operation of a motor vehicle or disrespect for the  
11 traffic laws and the safety of other persons upon the  
12 highway;

13 13. not have, through the unlawful operation of a  
14 motor vehicle, caused an accident resulting in the death  
15 of any person; and

16 14. not have, within the last 5 years, been  
17 adjudged to be afflicted with or suffering from any  
18 mental disability or disease.

19 (b) A school bus driver permit shall be valid for a  
20 period specified by the Secretary of State as set forth by  
21 rule. It shall be renewable upon compliance with subsection  
22 (a) of this Section.

23 (c) A school bus driver permit shall contain the  
24 holder's driver's license number, name, address, zip code,  
25 social security number and date of birth, a brief description  
26 of the holder and a space for signature. The Secretary of  
27 State may require a suitable photograph of the holder.

28 (d) The employer shall be responsible for conducting a  
29 pre-employment interview with prospective school bus driver  
30 candidates, distributing school bus driver applications and  
31 medical forms to be completed by the applicant, and  
32 submitting the applicant's fingerprint cards to the  
33 Department of State Police that are required for the criminal  
34 background investigations. The employer shall certify in

1 writing to the Secretary of State that all pre-employment  
2 conditions have been successfully completed including the  
3 successful completion of an Illinois specific criminal  
4 background investigation through the Department of State  
5 Police and the submission of necessary fingerprints to the  
6 Federal Bureau of Investigation for criminal history  
7 information available through the Federal Bureau of  
8 Investigation system. The applicant shall present the  
9 certification to the Secretary of State at the time of  
10 submitting the school bus driver permit application.

11 (e) Permits shall initially be provisional upon  
12 receiving certification from the employer that all  
13 pre-employment conditions have been successfully completed,  
14 and upon successful completion of all training and  
15 examination requirements for the classification of the  
16 vehicle to be operated, the Secretary of State shall  
17 provisionally issue a School Bus Driver Permit. The permit  
18 shall remain in a provisional status pending the completion  
19 of the Federal Bureau of Investigation's criminal background  
20 investigation based upon fingerprinting specimens submitted  
21 to the Federal Bureau of Investigation by the Department of  
22 State Police. The Federal Bureau of Investigation shall  
23 report the findings directly to the Secretary of State. The  
24 Secretary of State shall remove the bus driver permit from  
25 provisional status upon the applicant's successful completion  
26 of the Federal Bureau of Investigation's criminal background  
27 investigation.

28 (f) A school bus driver permit holder shall notify the  
29 employer and the Secretary of State if he or she is convicted  
30 in another state of an offense that would make him or her  
31 ineligible for a permit under subsection (a) of this Section.  
32 The written notification shall be made within 5 days of the  
33 entry of the conviction. Failure of the permit holder to  
34 provide the notification is punishable as a petty offense for

1 a first violation and a Class B misdemeanor for a second or  
2 subsequent violation.

3 (g) Cancellation; suspension; notice and procedure.

4 (1) The Secretary of State shall cancel a school  
5 bus driver permit of an applicant whose criminal  
6 background investigation discloses that he or she is not  
7 in compliance with the provisions of subsection (a) of  
8 this Section.

9 (2) The Secretary of State shall cancel a school  
10 bus driver permit when he or she receives notice that the  
11 permit holder fails to comply with any provision of this  
12 Section or any rule promulgated for the administration of  
13 this Section.

14 (3) The Secretary of State shall cancel a school  
15 bus driver permit if the permit holder's restricted  
16 commercial or commercial driving privileges are withdrawn  
17 or otherwise invalidated.

18 (4) The Secretary of State may not issue a school  
19 bus driver permit for a period of 3 years to an applicant  
20 who fails to obtain a negative result on a drug test as  
21 required in item 6 of subsection (a) of this Section or  
22 under federal law.

23 (5) The Secretary of State shall forthwith suspend  
24 a school bus driver permit for a period of 3 years upon  
25 receiving notice that the holder has failed to obtain a  
26 negative result on a drug test as required in item 6 of  
27 subsection (a) of this Section or under federal law.

28 The Secretary of State shall notify the State  
29 Superintendent of Education and the permit holder's  
30 prospective or current employer that the applicant has (1)  
31 has failed a criminal background investigation or (2) is no  
32 longer eligible for a school bus driver permit; and of the  
33 related cancellation of the applicant's provisional school  
34 bus driver permit. The cancellation shall remain in effect

1 pending the outcome of a hearing pursuant to Section 2-118  
 2 of this Code. The scope of the hearing shall be limited to  
 3 the issuance criteria contained in subsection (a) of this  
 4 Section. A petition requesting a hearing shall be submitted  
 5 to the Secretary of State and shall contain the reason the  
 6 individual feels he or she is entitled to a school bus driver  
 7 permit. The permit holder's employer shall notify in writing  
 8 to the Secretary of State that the employer has certified the  
 9 removal of the offending school bus driver from service prior  
 10 to the start of that school bus driver's next workshift. An  
 11 employing school board that fails to remove the offending  
 12 school bus driver from service is subject to the penalties  
 13 defined in Section 3-14.23 of the School Code. A school bus  
 14 contractor who violates a provision of this Section is  
 15 subject to the penalties defined in Section 6-106.11.

16 All valid school bus driver permits issued under this  
 17 Section prior to January 1, 1995, shall remain effective  
 18 until their expiration date unless otherwise invalidated.

19 (Source: P.A. 90-191, eff. 1-1-98; 91-500, eff. 8-13-99.)

20 (625 ILCS 5/6-901) (from Ch. 95 1/2, par. 6-901)

21 Sec. 6-901. Definitions ~~Definition~~. For the purposes of  
 22 this Article:

23 "Board" means the Driver's License Medical Advisory  
 24 Board.

25 "Medical examiner" or "medical practitioner" means any  
 26 person licensed to practice medicine in all its branches in  
 27 the State of Illinois.

28 (Source: P.A. 90-89, eff. 1-1-98.)

29 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

30 Sec. 18b-105. Rules and Regulations.

31 (a) The Department is authorized to make and adopt  
 32 reasonable rules and regulations and orders consistent with

1 law necessary to carry out the provisions of this Chapter.

2 (b) The following parts of Title 49 of the Code of  
3 Federal Regulations, as now in effect, are hereby adopted by  
4 reference as though they were set out in full:

- 5 Part 385-Safety Fitness Procedures;
- 6 Part 390-Federal Motor Carrier Safety Regulations:
- 7 General;
- 8 Part 391-Qualifications of Drivers;
- 9 Part 392-Driving of Motor Vehicles;
- 10 Part 393-Parts and Accessories Necessary for Safe
- 11 Operation;
- 12 Part 395-Hours of Service of Drivers; and
- 13 Part 396-Inspection, Repair and Maintenance.

14 (b-5) Individuals who meet the requirements set forth in  
15 the definition of "medical examiner" in Section 390.5 of Part  
16 390 of Title 49 of the Code of Federal Regulations may act as  
17 medical examiners in accordance with Part 391 of Title 49 of  
18 the Code of Federal Regulations.

19 (c) The following parts and Sections of the Federal  
20 Motor Carrier Safety Regulations shall not apply to those  
21 intrastate carriers, drivers or vehicles subject to  
22 subsection (b).

23 (1) Section 393.93 of Part 393 for those vehicles  
24 manufactured before June 30, 1972.

25 (2) Section 393.86 of Part 393 for those vehicles  
26 which are registered as farm trucks under subsection (c)  
27 of Section 3-815 of The Illinois Vehicle Code.

28 (3) (Blank).

29 (4) (Blank).

30 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

31 (6) All of Part 395 for all agricultural movements  
32 as defined in Chapter 1, between the period of February 1  
33 through November 30 each year, and all farm to market  
34 agricultural transportation as defined in Chapter 1 and

1 for grain hauling operations within a radius of 200 air  
2 miles of the normal work reporting location.

3 (7) Paragraphs (b)(3) (insulin dependent diabetic)  
4 and (b)(10) (minimum visual acuity) of Section 391.41 of  
5 part 391, but only for any driver who immediately prior  
6 to July 29, 1986 was eligible and licensed to operate a  
7 motor vehicle subject to this Section and was engaged in  
8 operating such vehicles, and who was disqualified on July  
9 29, 1986 by the adoption of Part 391 by reason of the  
10 application of paragraphs (b)(3) and (b)(10) of Section  
11 391.41 with respect to a physical condition existing at  
12 that time unless such driver has a record of accidents  
13 which would indicate a lack of ability to operate a motor  
14 vehicle in a safe manner.

15 (d) Intrastate carriers subject to the recording  
16 provisions of Section 395.8 of Part 395 of the Federal Motor  
17 Carrier Safety Regulations shall be exempt as established  
18 under paragraph (1) of Section 395.8; provided, however, for  
19 the purpose of this Code, drivers shall operate within a 150  
20 air-mile radius of the normal work reporting location to  
21 qualify for exempt status.

22 (e) Regulations adopted by the Department subsequent to  
23 those adopted under subsection (b) hereof shall be identical  
24 in substance to the Federal Motor Carrier Safety Regulations  
25 of the United States Department of Transportation and adopted  
26 in accordance with the procedures for rulemaking in Section  
27 5-35 of the Illinois Administrative Procedure Act.

28 (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97;  
29 90-655, eff. 7-30-98; 91-179, eff. 1-1-00.)

30 (625 ILCS 5/1-142.1a rep.)

31 Section 15. The Illinois Vehicle Code is amended by  
32 repealing Section 1-142.1a.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.